WPMB NO. 20 OF 2003
Hon. Irshad Hussain, J.

Heard Sri Arvind Vashistha, learned counsel for the petitioner and Sri G.S.Bist, Senior Standing Counsel Government of India.

The facility of fortnight payment on account of arrears of default made on three occasions has been withdrawn as contemplated by Rule 8 Sub-Rule (4) of the Central Excise Rules.

The grievance of the petitioner is that opportunity to show cause against the proposed action was not accorded and in the past the respondent authorities have held that petitioner or party allegedly defaulting be given opportunity before taking decision against the alleged defaulter. The petitioner has already made representation against the action taken by the respondent and the same is pending disposal. Considering this, the respondent authorities are directed to decide the representation dated 3.1.2003 contained in Annexure 3 to the writ petition by the speaking order within a period of one month and if possible the petitioner shall be given personal hearing. Till then, the operation of the impugned order is stayed. The petitioner shall produce copy of the order and the period of one month shall shall be reckoned from the date of the receipt of the copy by the respondent authorities.

With this, the petition is finally disposed of.

(Irshad Hussain, J.)

Dt. 15.1.2003
A